

### **REMARKS**

Applicant has had an opportunity to review the outstanding Office Action issued by the U.S. Patent & Trademark Office in connection with this application, and now respectfully request that the Examiner reconsider and/or reexamine the present application in view of the amendments and/or remarks contained in this paper.

#### **Summary of the Outstanding Office Action**

Claims 2-6, 8-12, 14, 16-20, 23-26 and 32-35 remaining pending.

Claims 8, 9 and 25 have been allowed.

Claims 33 and 34 have been objected to as depending from a rejected base claim, but were otherwise indicated as being allowable.

Claims 2, 3, 5, 19, 20, 32 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,613,208 to Seberg, et al. ("Seberg").

Claims 2-6, 16-17, 19-20, 23, 32 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 3,888,725 to French ("French") in view of Seberg.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over French in view of Seberg, and further in view of U.S. Patent 2,492,908 to Von Hofe ("Von Hofe").

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over French in view of Seberg and Von Hofe, and further in view of US Patent No. 5,885,406 to Tiefel ("Tiefel").

Claims 14 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over French in view of Seberg, and further in view of US Patent No. 3,377,096 to Wood ("Wood") or US Patent No. 5,024,574 to Wilson, et al. ("Wilson").

Claims 18 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over French in view of Seberg, and further in view of US Patent No. 6,182,957 to Becker ("Becker").

### **Summary of the Amendments to the Claims**

Claim 33 has been placed in independent format. Accordingly, claim 33 is now in condition for allowance along with claim 34 depending therefrom.

Claims 12 and 34 have been amended to correct typographical errors.

Claim 16 has been amended to correct its dependency.

Claim 36-39 have been added.

### **Comments/Arguments**

The rejection of claim 32 is hereby traversed.

Notably, claim 32 recites that the closed end of each well comprises a "selectively" perforatable thin wall of material. Significantly, neither Seberg nor French disclose this feature.

On the contrary, Seberg explicitly teaches that all the cavities 56 are provided with orifices 48. That is to say, there is nothing selective about which cavities 56 are provided with orifices 48. Accordingly, as pointed out in column 3, lines 20-30, an additional mask or "aperture sheet" is required to block the orifices 48 that are located outside of the outline or periphery of the work-piece one desires the vacuum chamber to hold.

Similarly, French also teaches that the apertures 101 in the plate 67 are open. Accordingly, French employs an additional masking plate 115 to close off air flow through desired apertures 101 in the plate 67.

Conversely, the applicator head in the present application employs a unitary applicator plate having integral thin walls of material that are selectively perforatable, e.g., to match a desired size and/or shape of a label or other flat element to be held by the applicator head. Accordingly, in the present application, one can dispense with the use of an additional mask.

In short, neither Seberg nor French teaches selectively perforating thin walls of material to achieve air flow through selected wells while leaving other thin walls of material intact to block air flow through those wells. Rather, both Seberg and French employ separate masks or the like to regulate which orifices

or apertures remain open and which are closed. To be sure, the approach taken by Seberg and French is fundamentally different from the present application.

Consequently, for at least the reasons identified above, it is respectfully submitted that claim 32 distinguishes patentably over the prior art, along with all the claims depending therefrom.

It is also submitted that claim 16 further distinguishes patentably over the prior art. In particular, claim 16 recites that the thin walls of material are selectively perforatable by a tool which punctures the same. Regarding claim 16, the Office Action alleges that "weak location" of Seberg could be hand drilled. However, Seberg does not teach this or even suggest this feature, nor has any other reference been identified which supplies the missing disclosure. Rather, Seberg teaches grinding or machining down the original surface 52 to a new surface 50 below the depth of the cavities 56 in order to form the orifices 48. In fact, Seberg expressly teaches away from drilling or punching out orifices, and indeed, the Office Action at one point acknowledges this teaching away. See, page 4, lines 14-16 of the Office Action.

New claim 36 also further distinguishes patentably over the prior art. In particular, claim 36 expressly recites that "at least one of the plurality of wells has a closed end in which the thin wall of material remains unperforated." Neither Seberg nor French teach this element.

New claim 38 also distinguishes over the prior art. In particular, claim 38 recites "selectively perforating at least one of the thin walls of material." As pointed out above, Neither Seberg nor French teach selective perforation.

New claim 39 further distinguishes over the prior art. In particular, claim 39 recites "retaining at least one of the thin walls of material unperforated." Neither Seberg nor French teach this element.

## **Conclusion**

For at least the reason(s) presented above, all the claims now remaining in the application are in condition for allowance, and accordingly, an early indication of the same is earnestly solicited.

Of course, if the Examiner feels that personal contact would facilitate expedited disposition of the present application, then he/she is hereby invited to contact the below signed representative of the Applicant.

June 17, 2010

Date

Respectfully submitted,

/John P. Cornely/

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